

REMARKS

Applicants cancelled claims 23-40 and 50-59 without prejudice or disclaimer of their subject matter and amended claims 1, 2, 5, 9, 10, 19, 41, 46, and 47 to further define Applicants' claimed invention.

In the Office Action, the Examiner rejected claims 1-22 and 41-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,226,618 to Downs et al., and further in view of U.S. Patent No. 6,389,403 to Dorak, Jr. Applicants amended independent claim 1 to recite a "content management system being operable to select the media content offering for distribution to the selected groupings of the consumers based on at least one of a geographical location, a bit rate service, a service provider, and a contractual term and to aggregate the selected media content offering into a rollout available for exhibition to the consumers." Applicants amended independent claim 41 to recite a "content management system being operable to select the media content offering for distribution to the selected groupings of the consumers and to aggregate the selected media content offering into a rollout available for exhibition to the consumers." Applicants further amended both independent claims 1 and 41 to recite a "content database for storing the media content offering delivered from said content management system;" a subscriber management system for creating a plurality of subscriber accounts, said subscriber management system including at least one processor and at least one medium for storing subscriber account information, said processor being operable to maintain the subscriber accounts and includes a procedure for billing the subscriber accounts, said subscriber management system being operable to group individual consumers into the selected groupings for receiving selected media content offering specific for at least one of the selected groupings;" and a "rack operable to receive the media content offering from said content management system, said rack including a file repository for storing media content associated with the media content offering." Applicants submit that Downs et al. and Dorak, Jr. either alone or when properly combined do not teach or suggest Applicants claimed invention.

Applicants submit that independent claims 1 and 41 are patentable and that dependent claims 2-22 and 42-49 dependent from independent claims 1 and 41, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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